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Cc: Dan X-fer

Subject: RE: WR Grace: Hudson LaForce Deposition

Dan,

You have purported to list over 100 individuals on your witness list 1000 if the list is read in full Are you producing them all before July 13 When will you be providing dates?

**From:** Daniel C. Cohn [mailto:cohn@cwg11.com]

**Sent:** Friday, June 19, 2009 10:42 AM

**To:** Kimberly Love; lkruger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com; mlastowski@duanemorris.com; rriley@duanemorris.com; sbaena@bilzin.com; jsakalo@bilzin.com; mkramer@bilzin.com; mjoseph@ferryjoseph.com; ttacconelli@ferryjoseph.com; david.klauder@usdoj.gov; ustpreion03.wl.ecf@usdoj.gov; noah.heller@kattenlaw.com; merriitt.pardini@kattenlaw.com; jeff.friedman@kattenlaw.com; collins@rlf.com; madron@rlf.com; Reynolds@rlf.com; ramos@rlf.com; fournierd@pepperlaw.com; carignan@pepperlaw.com; hertzberg@pepperlaw.com; caseyl@pepperlaw.com; fmonaco@wcsr.com; kmangan@wcsr.com; maward@wcsr.com; metkin@lowenstein.com; ilevee@lowenstein.com; Dpastor@Gilmanpastor.com; jmeltzer@sbtclaw.com; kbornstein@sbtclaw.com; stearn@rlf.com; kandestin@rlf.com; rjsidman@vorys.com; tscobb@vorys.com; meltzere@pepperlaw.com; toolee@pepperlaw.com; landis@lrclaw.com; butcher@lrclaw.com; mumford@lrclaw.com; green@lrclaw.com; Christopher M. Candon; kmiller@skfdelaware.com; ewolfe@skfdelaware.com; speirce@fulbright.com; tgerber@fulbright.com; jwisler@cblh.com; mphillips@cblh.com; elongosz@eckertseamans.com; lstover@eckertseamans.com; erosenthal@rmgglaw.com; dglosband@goodwinprocter.com; bmukherjee@goodwinprocter.com; mgiannotto@goodwinprocter.com; emdecristofaro@FMEW.com; swspencer@FMEW.com; riff@wileyrein.com; casarinom@whiteandwilliams.com; gibbonsj@whiteandwilliams.com; locasaleg@whiteandwilliams.com; yoderj@whiteandwilliams.com; warren.pratt@db.com; david.primack@db.com; michael.brown@db.com; jeffrey.boerger@db.com; jdd@stevenslee.com; lpg@stevenslee.com; mes@stevenslee.com; sshimshak@paulweiss.com; arosenberg@paulweiss.com; mphillips@paulweiss.com; ppantaleo@stblaw.com; wrussell@stblaw.com; mpiropato@stblaw.com; ealcabes@stblaw.com; wshelley@cozen.com; jcohn@cozen.com; gmcdaniel@bglawde.com; carl.pernicone@wilsonelser.com; Catherine.chen@wilsonelser.com; arich@alanrichlaw.com; david.turetsky@skadden.com; Greg.Stclair@skadden.com; pbentley@kramerlevin.com; dmannaal@kramerlevin.com; gcalhoun@steptoe.com; acraig@cuyler.com; mdavis@zeklaw.com; dfelder@orrick.com; rfrank@orrick.com; mwallace@orrick.com; rwyron@orrick.com; jguy@orrick.com; richard.finke@grace.com; mark.shelnitz@grace.com; john.mcfarland@grace.com; james.freeman2@usdoj.gov; jal@capdale.com; pvn@capdale.com; ndf@capdale.com; ei@capdale.com; jal@capdale.com; lepley@crowell.com; Nancy.Manzer@wilmer.com; Madigan.andrea@epa.gov; jpruggeri@hhlaw.com; drosenbloom@mwe.com; mhurford@camlev.com; meskin@camlev.com; Elias, Brad; Schiavoni, Tancred; Svirsky, Gary; Koepff, Paul; dbernack@kirkland.com; lesayian@kirkland.com; cgreco@kirkland.com; cbruens@kirkland.com; tfreedman@kirkland.com; joneill@pszilaw.com; tcairns@pszilaw.com; kmakowski@pszilaw.com; pcuniff@pszilaw.com; loberholzer@pszilaw.com; tmacauley@zuckerman.com; vguldi@zuckerman.com; jsottile@zuckerman.com; kmayer@mccarter.com; dsilver@mccarter.com; rguttmann@zeklaw.com; mdavis@zeklaw.com; jspadaro@johnsheehanspadaro.com; alexander.mueller@mendes.com; thomas.quinn@mendes.com; eileen.mccabe@mendes.com; anna.newsom@mendes.com; carolina.acevedo@mendes.com; mweis@dilworthlaw.com; akelley@dilworthlaw.com; sfreedman@dilworthlaw.com; young@wildman.com; dspeights@speightsrunyan.com; ewestbrook@rpwb.com; rhorkovich@andersonkill.com; rdehney@mnat.com; acordo@mnat.com; tgerber@fulbright.com; tcurrier@saul.com; gmcdaniel@bglawde.com; jcp@pgslaw.com; jbaer@jsbpc.com; drosendorf@kttlaw.com; jk@kttlaw.com; hriedel@srpb.com; ghorowitz@kramerlevin.com; dlabey@kramerlevin.com; korr@orrick.com; mshiner@tuckerlaw.com; mplevin@crowell.com; pmahaley@orrick.com; jcutler@orrick.com; bharding@kirkland.com; arunning@kirkland.com; bstansbury@kirkland.com; jp@capdale.com; bsb@capdale.com; wbs@capdale.com; travis.langenkamp@kirkland.com; heather.bloom@kirkland.com; karen.f.lee@kirkland.com; david.boutrous@kirkland.com; Deborah Scarcella; tmessana@mws-law.com; FRosner@mrs-law.com; rmiller@sonnenschein.com; cprince@sonnenschein.com; jp@capdale.com; bsb@capdale.com; wbs@capdale.com; Irosenberg@cozen.com; bklayman@cozen.com; AKushner@stblaw.com; scalogero@cuyler.com; Schwartz, Allen; rcmartin@eapdlaw.com;

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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Ms Leibenstein: With our trial brief due 7/13, I don't see how we can postpone this deposition. In order to avoid the need for you to prepare the deponent twice on any given topic, it would be reasonable to agree that the deposition on 6/29 will not address feasibility and that the later deposition will be confined to feasibility. Dan

Daniel C. Cohn

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**Cc:** Elli Leibenstein

**Subject:** WR Grace: Hudson LaForce Deposition

Dear Counsel:

The deposition of Hudson La Force, Grace's CFO, is currently scheduled for June 29, which is before the documents regarding feasibility will be produced. Mr. La Force will be a witness regarding feasibility. To avoid Mr. La Force being deposed twice and to allow counsel the opportunity to review the documents regarding feasibility before Mr. La Force's deposition, we propose postponing the deposition until after the feasibility documents are produced on July 13, 2009.

Please respond to Elli Leibenstein at 312-862-2422 (elli.leibenstein@kirkland.com)

Kimberly Love, Legal Assistant, Kirkland & Ellis LLP  
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**Cc:** Dan X-fer ; John F. Lacey ; jlacey@mcgarveylaw.com

**Sent:** Friday, June 19, 2009 2:57 PM

**Subject:** RE: Grace/Libby Claimant Depositions

John

Please propose dates for the depositions of each of the individuals on your witness list

T V S

**From:** Christopher M. Candon [mailto:candon@cwg11.com]

**Sent:** Friday, June 19, 2009 12:23 PM

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Cc: Dan X-fer; John F. Lacey

Subject: Grace/Libby Claimant Depositions

Dear Counsel:

In response to Tane's email below, we invite anyone interested in deposing a Libby Claimant to please contact John Lacey (jlacey@mcgarveyllaw.com; 406-752-5566) about scheduling. Consistent with past courtesies in this case, applied particularly here to the potential Libby Claimant witnesses who have asbestos disease, it is expected that the depositions will occur in Libby, Montana.

Christopher M. Candon  
COHN WHITESELL & GOLDBERG LLP  
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Boston, MA 02110  
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**From:** Schiavoni, Tancred [mailto:TSchiavoni@OMM.com]

**Sent:** Friday, June 19, 2009 1:46 PM

**To:** Daniel C. Cohn; Kimberly Love; [lkruger@stroock.com](mailto:lkruger@stroock.com); [kpasquale@stroock.com](mailto:kpasquale@stroock.com); [akrieger@stroock.com](mailto:akrieger@stroock.com); [mlastowski@duanemorris.com](mailto:mlastowski@duanemorris.com); [rriley@duanemorris.com](mailto:rriley@duanemorris.com); [sbaena@bilzin.com](mailto:sbaena@bilzin.com); [isakalo@bilzin.com](mailto:isakalo@bilzin.com); [mkrumer@bilzin.com](mailto:mkrumer@bilzin.com); [mjoseph@ferryjoseph.com](mailto:mjoseph@ferryjoseph.com); [ttacconelli@ferryjoseph.com](mailto:ttacconelli@ferryjoseph.com); [david.klauder@usdoj.gov](mailto:david.klauder@usdoj.gov); [ustpreion03.wl.ecf@usdoj.gov](mailto:ustpreion03.wl.ecf@usdoj.gov); [noah.heller@kattenlaw.com](mailto:noah.heller@kattenlaw.com); [merriitt.pardini@kattenlaw.com](mailto:merriitt.pardini@kattenlaw.com); [jeff.friedman@kattenlaw.com](mailto:jeff.friedman@kattenlaw.com); [collins@rlf.com](mailto:collins@rlf.com); [madron@rlf.com](mailto:madron@rlf.com); [Reynolds@rlf.com](mailto:Reynolds@rlf.com); [ramos@rlf.com](mailto:ramos@rlf.com); [fournierd@pepperlaw.com](mailto:fournierd@pepperlaw.com); [carignan@pepperlaw.com](mailto:carignan@pepperlaw.com); [hertzbergr@pepperlaw.com](mailto:hertzbergr@pepperlaw.com); [caseyl@pepperlaw.com](mailto:caseyl@pepperlaw.com); [fmonaco@wcsr.com](mailto:fmonaco@wcsr.com); [kmangan@wcsr.com](mailto:kmangan@wcsr.com); [maward@wcsr.com](mailto:maward@wcsr.com); [metkin@lowenstein.com](mailto:metkin@lowenstein.com); [ilevee@lowenstein.com](mailto:ilevee@lowenstein.com); [Dpastor@Gilmanpastor.com](mailto:Dpastor@Gilmanpastor.com); [jmeltzer@sbtclaw.com](mailto:jmeltzer@sbtclaw.com); [kbornstein@sbtclaw.com](mailto:kbornstein@sbtclaw.com); [stearn@rlf.com](mailto:stearn@rlf.com); [kandestin@rlf.com](mailto:kandestin@rlf.com); [rjsidman@vorys.com](mailto:rjsidman@vorys.com); [tscobb@vorys.com](mailto:tscobb@vorys.com); [meltzere@pepperlaw.com](mailto:meltzere@pepperlaw.com); [toolee@pepperlaw.com](mailto:toolee@pepperlaw.com); [landis@lrclaw.com](mailto:landis@lrclaw.com); [butcher@lrclaw.com](mailto:butcher@lrclaw.com); [mumford@lrclaw.com](mailto:mumford@lrclaw.com); [green@lrclaw.com](mailto:green@lrclaw.com); Christopher M. 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Cc: Dan X-fer

Subject: RE: WR Grace: Hudson LaForce Deposition

Dan,

You have purported to list over 100 individuals on your witness list 1000 if the list is read in full Are you producing them all before July 13 When will you be providing dates?

---

**From:** Daniel C. Cohn [<mailto:cohn@cwg11.com>]

**Sent:** Friday, June 19, 2009 10:42 AM

**To:** Kimberly Love; [lkruger@stroock.com](mailto:lkruger@stroock.com); [kpasquale@stroock.com](mailto:kpasquale@stroock.com); [akrieger@stroock.com](mailto:akrieger@stroock.com); [mlastowski@duanemorris.com](mailto:mlastowski@duanemorris.com); [riley@duanemorris.com](mailto:riley@duanemorris.com); [sbaena@bilzin.com](mailto:sbaena@bilzin.com); [jsakalo@bilzin.com](mailto:jsakalo@bilzin.com); [mkramer@bilzin.com](mailto:mkramer@bilzin.com); [mjoseph@ferryjoseph.com](mailto:mjoseph@ferryjoseph.com); [ttacconelli@ferryjoseph.com](mailto:ttacconelli@ferryjoseph.com); [david.klauder@usdoj.gov](mailto:david.klauder@usdoj.gov); [ustpregion03.wl.ecf@usdoj.gov](mailto:ustpregion03.wl.ecf@usdoj.gov); [noah.heller@kattenlaw.com](mailto:noah.heller@kattenlaw.com); [merritt.pardini@kattenlaw.com](mailto:merritt.pardini@kattenlaw.com); [jeff.friedman@kattenlaw.com](mailto:jeff.friedman@kattenlaw.com); [collins@rlf.com](mailto:collins@rlf.com); [madron@rlf.com](mailto:madron@rlf.com); [Reynolds@rlf.com](mailto:Reynolds@rlf.com); [ramos@rlf.com](mailto:ramos@rlf.com); [fournierd@pepperlaw.com](mailto:fournierd@pepperlaw.com); [carignan@pepperlaw.com](mailto:carignan@pepperlaw.com); [hertzbergr@pepperlaw.com](mailto:hertzbergr@pepperlaw.com); [caseyl@pepperlaw.com](mailto:caseyl@pepperlaw.com); [fmonaco@wcsr.com](mailto:fmonaco@wcsr.com); [kmangan@wcsr.com](mailto:kmangan@wcsr.com); [maward@wcsr.com](mailto:maward@wcsr.com); [metkin@lowenstein.com](mailto:metkin@lowenstein.com); [ilevee@lowenstein.com](mailto:ilevee@lowenstein.com); [Dpastor@Gilmanpastor.com](mailto:Dpastor@Gilmanpastor.com); [jmeltzer@sbtclaw.com](mailto:jmeltzer@sbtclaw.com); [kbornstein@sbtclaw.com](mailto:kbornstein@sbtclaw.com); [stearn@rlf.com](mailto:stearn@rlf.com); [kandestin@rlf.com](mailto:kandestin@rlf.com); [rjsidman@vorys.com](mailto:rjsidman@vorys.com); [tscobb@vorys.com](mailto:tscobb@vorys.com); [meltzere@pepperlaw.com](mailto:meltzere@pepperlaw.com); [toolee@pepperlaw.com](mailto:toolee@pepperlaw.com); [landis@lrclaw.com](mailto:landis@lrclaw.com); [butcher@lrclaw.com](mailto:butcher@lrclaw.com); [mumford@lrclaw.com](mailto:mumford@lrclaw.com); [green@lrclaw.com](mailto:green@lrclaw.com); Christopher M. 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[carl.pernicone@wilsonelser.com](mailto:carl.pernicone@wilsonelser.com); [Catherine.chen@wilsonelser.com](mailto:Catherine.chen@wilsonelser.com); [arich@alanrichlaw.com](mailto:arich@alanrichlaw.com); [david.turetsky@skadden.com](mailto:david.turetsky@skadden.com); [Greg.Stclair@skadden.com](mailto:Greg.Stclair@skadden.com); [pbentley@kramerlevin.com](mailto:pbentley@kramerlevin.com); [dmannal@kramerlevin.com](mailto:dmannal@kramerlevin.com); [gcalhoun@steptoe.com](mailto:gcalhoun@steptoe.com); [acraig@cuyler.com](mailto:acraig@cuyler.com); [mdavis@zeklaw.com](mailto:mdavis@zeklaw.com); [dfelder@orrick.com](mailto:dfelder@orrick.com); [rfrank@orrick.com](mailto:rfrank@orrick.com); [mwallace@orrick.com](mailto:mwallace@orrick.com); [rwyrton@orrick.com](mailto:rwyrton@orrick.com); [jguy@orrick.com](mailto:jguy@orrick.com); [richard.finke@grace.com](mailto:richard.finke@grace.com); [mark.shelnitz@grace.com](mailto:mark.shelnitz@grace.com); [john.mcfarland@grace.com](mailto:john.mcfarland@grace.com); [james.freeman2@usdoj.gov](mailto:james.freeman2@usdoj.gov); [jal@capdale.com](mailto:jal@capdale.com); [pvn@capdale.com](mailto:pvn@capdale.com); [ndf@capdale.com](mailto:ndf@capdale.com); [ei@capdale.com](mailto:ei@capdale.com); [jal@capdale.com](mailto:jal@capdale.com); [lepley@crowell.com](mailto:lepley@crowell.com); [Nancy.Manzer@wilmer.com](mailto:Nancy.Manzer@wilmer.com); [Madigan.andrea@epa.gov](mailto:Madigan.andrea@epa.gov); [jpruggeri@hhlaw.com](mailto:jpruggeri@hhlaw.com); [drosenbloom@mwe.com](mailto:drosenbloom@mwe.com); [mhurford@camlev.com](mailto:mhurford@camlev.com); [meskin@camlev.com](mailto:meskin@camlev.com); Elias, Brad; Schiavoni, Tancred; Svirsy, Gary; Koepff, Paul; [dbernack@kirkland.com](mailto:dbernack@kirkland.com); [lesavian@kirkland.com](mailto:lesavian@kirkland.com); [cgreco@kirkland.com](mailto:cgreco@kirkland.com); [cbruens@kirkland.com](mailto:cbruens@kirkland.com); [tfreedman@kirkland.com](mailto:tfreedman@kirkland.com); [joneill@pszilaw.com](mailto:joneill@pszilaw.com); 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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Ms Leibenstein. With our trial brief due 7/13, I don't see how we can postpone this deposition. In order to avoid the need for you to prepare the deponent twice on any given topic, it would be reasonable to agree that the deposition on 6/29 will not address feasibility and that the later deposition will be confined to feasibility. Dan

Daniel C. Cohn

COHN WHITESELL & GOLDBERG LLP

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**From:** Kimberly Love [mailto:klove@kirkland.com]

**Sent:** Friday, June 19, 2009 12:15 PM

**To:** lkruger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com; mlastowski@duanemorris.com; rriley@duanemorris.com; sbaena@bilzin.com; jsakalo@bilzin.com; mkramer@bilzin.com; mjoseph@ferryjoseph.com; ttacconelli@ferryjoseph.com; david.klauder@usdoj.gov; ustregion03.wl.ecf@usdoj.gov; noah.heller@kattenlaw.com; merritt.pardini@kattenlaw.com; jeff.friedman@kattenlaw.com; collins@rlf.com; madron@rlf.com; Reynolds@rlf.com; ramos@rlf.com; fournierd@pepperlaw.com; carignan@pepperlaw.com; hertzbergr@pepperlaw.com; caseyl@pepperlaw.com; fmonaco@wcsr.com; kmangan@wcsr.com; maward@wcsr.com; metkin@lowenstein.com; ilevee@lowenstein.com; Dpastor@Gilmanpastor.com; jmeltzer@sbtclaw.com; kbornstein@sbtclaw.com; stearn@rlf.com; kandestin@rlf.com; rjsidman@vorys.com; tscobb@vorys.com; meltzere@pepperlaw.com; toolee@pepperlaw.com; landis@lrclaw.com; butcher@lrclaw.com; mumford@lrclaw.com; green@lrclaw.com; Daniel C. Cohn; Christopher M. Candon; kmiller@skfdelaware.com; ewolfe@skfdelaware.com; speirce@fulbright.com; tgerber@fulbright.com; jwisler@cblh.com; mphillips@cblh.com; elongosz@eckertseamans.com; lstover@eckertseamans.com; erosenthal@rmgglaw.com; dglosband@goodwinprocter.com; bmukherjee@goodwinprocter.com; mgiannotto@goodwinprocter.com; emdecristofaro@FMEW.com; swspencer@FMEW.com; riff@wileyrein.com; casarinom@whiteandwilliams.com; gibbonsj@whiteandwilliams.com; locasaleg@whiteandwilliams.com; yoderj@whiteandwilliams.com; warren.pratt@dbr.com; david.primack@dbr.com; michael.brown@dbr.com; jeffrey.boerger@dbr.com; jdd@stevenslee.com; lpg@stevenslee.com; mes@stevenslee.com; sshimshak@paulweiss.com;

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 sbrown@eapdlaw.com

**Cc:** Elli Leibenstein

**Subject:** WR Grace: Hudson LaForce Deposition

Dear Counsel:

The deposition of Hudson La Force, Grace's CFO, is currently scheduled for June 29, which is before the documents regarding feasibility will be produced. Mr. La Force will be a witness regarding feasibility. To avoid Mr. La Force being deposed twice and to allow counsel the opportunity to review the documents regarding feasibility before Mr. La Force's deposition, we propose postponing the deposition until after the feasibility documents are produced on July 13, 2009.

Please respond to Elli Leibenstein at 312-862-2422 (elli.leibenstein@kirkland.com)

Kimberly Love, Legal Assistant, Kirkland & Ellis LLP  
 300 North LaSalle, Chicago, IL 60654  
 Tel. 312 862 2819 Fax 312 862 2200 kimberly.love@kirkland.com

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**From:** John F. Lacey [mailto:[jlacey@mcgarveylaw.com](mailto:jlacey@mcgarveylaw.com)]  
**Sent:** Wednesday, June 24, 2009 5:37 PM  
**To:** Schiavoni, Tancred  
**Cc:** [cohn@cwq11.com](mailto:cohn@cwq11.com); [jheberling@mcgarveylaw.com](mailto:jheberling@mcgarveylaw.com); Schiavoni, Tancred  
**Subject:** Re: Grace/Libby Claimant Depositions

Tanc, I am trying to be as cooperative as I can. That said, you can be clearer, and you need to be specific. Obviously, you have yet to give me one single name of the individual/s whom you wish to depose. I will not guess about your intentions. Your suggestion that my failure to intuit particular names constitutes withdrawal by the Libby Claimants of potential witnesses from our timely filed witness list is simply ludicrous.

I am depending upon you to NAME each potential deponent that you wish me to contact for purposes of adjusting their individual schedule in order to provide the testimony you wish. You will not be eliciting deposition testimony from a list, but from INDIVIDUALS. Therefore, please name the individuals. It is the only way that I can practically comply with your request.

Likewise, I am depending upon you to give me an estimate for the length of each deposition. I also need to know whether you intend to travel to Libby to depose those witnesses suffering from asbestos disease.

Again, I remain willing to address your requests for depositions. To do so, I need you to be specific on all of the above, now oft-repeated requests. Hopefully your next response will serve to advance us on this matter.

JFL

----- Original Message -----

**From:** Schiavoni, Tancred  
**To:** [jlacey@mcgarveylaw.com](mailto:jlacey@mcgarveylaw.com)  
**Cc:** [cohn@cwq11.com](mailto:cohn@cwq11.com) ; [candon@cwq11.com](mailto:candon@cwq11.com) , [jheberling@mcgarveylaw.com](mailto:jheberling@mcgarveylaw.com) ; Schiavoni, Tancred  
**Sent:** Wednesday, June 24, 2009 11:48 AM  
**Subject:** Re: Grace/Libby Claimant Depositions

John

We can't be clearer. You are requested to give dates for every witness you intend to call that is on your witness list who you have not yet produced. We are assuming all other witnesses are deemed withdrawn.

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**From:** John F. Lacey <[jlacey@mcgarveylaw.com](mailto:jlacey@mcgarveylaw.com)>  
**To:** Schiavoni, Tancred  
**Cc:** Dan Cohn <[cohn@cwq11.com](mailto:cohn@cwq11.com)>; Chris Candon <[candon@cwq11.com](mailto:candon@cwq11.com)>; Jon L. Heberling <[jheberling@mcgarveylaw.com](mailto:jheberling@mcgarveylaw.com)>  
**Sent:** Wed Jun 24 11:54:12 2009  
**Subject:** Re: Grace/Libby Claimant Depositions

Tanc,

My June 19 e-mail asked that you specify "who among 'each of the individuals on [Libby Claimants'] witness list' you wish to depose." Your June 20 response just asks for deposition dates on some unspecified number for some unidentified individuals. I cannot attempt to schedule a deposition for a

specific person (or group of persons) when I am unclear about precisely which individual witness (or group of individual witnesses) you intend to depose. Please provide me with specific NAMES of the individuals you wish to depose.

My June 19 e-mail also requested that you state "how long do you estimate you will need to take each of the depositions you intend" and whether for any Libby Claimant witnesses, "you intend to travel to Libby to take those depositions." Your June 20 e-mail was unresponsive to these necessary elements of any preparations I must consider regarding the scheduling of depositions.

I remain more than willing to work with you on scheduling the depositions you intend, once the above preliminary and necessary information has been provided.

JFL

----- Original Message -----

**From:** Schiavoni, Tancred

**To:** John F. Lacey

**Cc:** Dan Cohn ; Chris Candon , Jon L. Heberling

**Sent:** Saturday, June 20, 2009 5:45 PM

**Subject:** RE: Grace/Libby Claimant Depositions

John

We asked for deposition dates for all the witnesses you propose to call to the stand at the confirmation hearing. If you have already produced a witness for deposition, we did not intend to include them.

T.V.S.

---

**From:** John F. Lacey [mailto:jlacey@mcgarveylaw.com]

**Sent:** Friday, June 19, 2009 2:32 PM

**To:** Schiavoni, Tancred

**Cc:** Dan Cohn; Chris Candon; Jon L. Heberling

**Subject:** Re: Grace/Libby Claimant Depositions

Tanc,

First, can you please be more specific about who among "each of the individuals on [Libby Claimants'] witness list" you wish to depose? As you know, there are a few categories of witnesses that have been named, and it is not clear from your request to whom you are referring, e.g., I trust you do not mean to depose those witnesses on our list that have already been deposed.

Second, how long do you estimate you will need to take each of the depositions you intend (referencing, of course, your response to my question no. 1)?

Finally, for any deposition of a Libby Claimant, do you intend to travel to Libby to take those depositions?

These strike me as preliminary issues that must be addressed before your request can legitimately be pursued.

JFL

----- Original Message -----

**From:** Schiavoni, Tancred

**To:** Christopher M. Candon; Daniel C. Cohn; Kimberly Love; lkruger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com; mladowski@duanemorris.com; rriley@duanemorris.com; sbaena@bilzin.com; jsakalo@bilzin.com; mkramer@bilzin.com; mjoseph@ferryjoseph.com; ttacconelli@ferryjoseph.com; david.klauder@usdoj.gov; ustregion03.wl.ecf@usdoj.gov; noah.heller@kattenlaw.com; meritt.pardini@kattenlaw.com; jeff.friedman@kattenlaw.com; collins@rlf.com; madron@rlf.com; Reynolds@rlf.com; ramos@rlf.com; fournierd@pepperlaw.com; carignani@pepperlaw.com; hertzbergr@pepperlaw.com; caseyl@pepperlaw.com; fmonaco@wcsr.com; kmangan@wcsr.com; maward@wcsr.com; metkin@lowenstein.com; ilevee@lowenstein.com; Dpastor@Gilmanpastor.com; imeltzer@sbtclaw.com; kbornstein@sbtclaw.com; stearn@rlf.com; kandestin@rlf.com; rsidman@vorys.com; tscobb@vorys.com; meltzere@pepperlaw.com; toolee@pepperlaw.com; landis@lrclaw.com; butcher@lrclaw.com; mumford@lrclaw.com; green@lrclaw.com; kmiller@skfdelaware.com; ewolfe@skfdelaware.com; speirce@fulbright.com; tgerber@fulbright.com; jwisler@cbl.h.com; mphillips@cblh.com; elongosz@eckertseamans.com; lstover@eckertseamans.com; erosenthal@rmgglaw.com; dglosband@goodwinprocter.com; bmukherjee@goodwinprocter.com; mgiannotto@goodwinprocter.com; emdecristofaro@FMEW.com; swspencer@FMEW.com; rriift@wileyrein.com; casarinom@whiteandwilliams.com; gibbonsj@whiteandwilliams.com; locasaleg@whiteandwilliams.com; yoderj@whiteandwilliams.com; warren.pratt@db.com; david.primack@db.com; michael.brown@db.com; jeffrey.boerger@db.com; jdd@stevenslee.com; lpg@stevenslee.com; mes@stevenslee.com; sshimshak@paulweiss.com; arosenberg@paulweiss.com; mphillips@paulweiss.com; ppantaleo@stblaw.com; wrussell@stblaw.com; mpiropato@stblaw.com; ealcabes@stblaw.com; wshelley@cozen.com; jcohn@cozen.com; gmcDaniel@bglawde.com; carl.pernicone@wilsonelser.com; Catherine.chen@wilsonelser.com; arich@alanrichlaw.com; david.turetsky@skadden.com; Greg.Stclair@skadden.com; pbentley@kramerlevin.com; dmanna@kramerlevin.com; gcalhoun@steptoe.com; acraig@cuyler.com; mdavis@zeklaw.com; dfelder@orrick.com; rfrank.el@orrick.com; mwallace@orrick.com; rwyron@orrick.com; jquy@orrick.com; richard.finke@grace.com; mark.shelnitz@grace.com; john.mcfarland@grace.com; james.freeman2@usdoj.gov; jal@capdale.com; pvn@capdale.com; ndf@capdale.com; el@capdale.com; jal@capdale.com; lepley@crowell.com; Nancy.Manzer@wilmer.com; Madigan.andrea@epa.gov; jpruggeri@hhlaw.com; drosenbloom@mwe.com; mhurford@camlev.com; meskin@camlev.com; Elias, Brad; Svirsky, Gary; dbernack@kirkland.com; lesayian@kirkland.com; cgreco@kirkland.com; cbruens@kirkland.com; tfreedman@kirkland.com; joneill@pszilaw.com; tcarrns@pszilaw.com; kmakowski@pszilaw.com; pcuniff@pszilaw.com; loberholzer@pszilaw.com; tmacauley@zuckerman.com; vguldi@zuckerman.com; jsottile@zuckerman.com; kmayer@mccarter.com; dsilver@mccarter.com; rguttmann@zeklaw.com; mdavis@zeklaw.com; jspadaro@johnsheehanspadaro.com; alexander.mueller@mendes.com; thomas.quinn@mendes.com; eileen.mccabe@mendes.com; anna.newsom@mendes.com; carolina.acevedo@mendes.com; mweis@dilworthlaw.com; akelley@dilworthlaw.com; sfreedman@dilworthlaw.com; young@wildman.com; dspeights@speightsrunyan.com; ewestbrook@rpwb.com; rdehney@mnat.com; acordo@mnat.com; tgerber@fulbright.com; tcurrier@saul.com; gmcDaniel@bglawde.com; jcp@pgslaw.com; jbaer@jsbpc.com; drosendorf@kttlaw.com; jk@kttlaw.com; hriedel@srbp.com; qhorowitz@kramerlevin.com; dlabey@kramerlevin.com; mshiner@tuckerlaw.com; mplevin@crowell.com; bharding@kirkland.com; arunning@kirkland.com; bstansbury@kirkland.com; jp@capdale.com; bsb@capdale.com; wbs@capdale.com; travis.langenkamp@kirkland.com; heather.bloom@kirkland.com; karen.f.lee@kirkland.com; david.boutrous@kirkland.com; Deborah Scarcella; tmessana@mws-law.com; FRosner@mrs-law.com; rmiller@sonnenschein.com; cprince@sonnenschein.com; jp@capdale.com; bsb@capdale.com; wbs@capdale.com; lrosenberg@cozen.com; bklayman@cozen.com; AKushner@stblaw.com; scalogero@cuyler.com; Schwartz, Allen; rcmartin@eapdlaw.com; sbrown@eapdlaw.com; eleibenstein@kirkland.com

**Cc:** Dan X-fer; John F. Lacey; jlacey@mcgarveylaw.com**Sent:** Friday, June 19, 2009 2:57 PM**Subject:** RE: Grace/Libby Claimant Depositions

John

Please propose dates for the depositions of each of the individuals on your witness list

T V S

**From:** Christopher M. Candon [mailto:candon@cwg11.com]

**Sent:** Friday, June 19, 2009 12:23 PM

**To:** Schiavoni, Tancred; Daniel C. Cohn; Kimberly Love; lkruger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com; mlastowski@duanemorris.com; rriley@duanemorris.com; sbaena@bilzin.com; jsakalo@bilzin.com; mkramer@bilzin.com; mjoseph@ferryjoseph.com; ttacconelli@ferryjoseph.com; david.klauder@usdoj.gov; ustpreion03.wl.ecf@usdoj.gov; noah.heller@kattenlaw.com; merriitt.pardini@kattenlaw.com; jeff.friedman@kattenlaw.com; collins@rlf.com; madron@rlf.com; Reynolds@rlf.com; ramos@rlf.com; fournierd@pepperlaw.com; carignan@pepperlaw.com; hertzbergr@pepperlaw.com; caseyl@pepperlaw.com; fmonaco@wcsr.com; kmangan@wcsr.com; maward@wcsr.com; metkin@lowenstein.com; levee@lowenstein.com; Dpastor@Gilmanpastor.com; jmeltzer@sbtclaw.com; kbornstein@sbtclaw.com; stearn@rlf.com; kandestin@rlf.com; rjsidman@vorys.com; tscobb@vorys.com; meltzere@pepperlaw.com; toolee@pepperlaw.com; landis@lrclaw.com; butcher@lrclaw.com; mumford@lrclaw.com; green@lrclaw.com; kmiller@skfdelaware.com; ewolfe@skfdelaware.com; speirce@fulbright.com; tgerber@fulbright.com; jwisler@cblh.com; mphilips@cblh.com; elongosz@eckertseamans.com; lstoover@eckertseamans.com; erosenthal@rmgglaw.com; dglosband@goodwinprocter.com; bmukherjee@goodwinprocter.com; mgiannotto@goodwinprocter.com; emdecristofaro@FMEW.com; swspencer@FMEW.com; riff@wileyrein.com; casarinom@whiteandwilliams.com; gibbonsj@whiteandwilliams.com; locasaleg@whiteandwilliams.com; yoderj@whiteandwilliams.com; warren.pratt@dbr.com; david.primack@dbr.com; michael.brown@dbr.com; jeffrey.boerger@dbr.com; jdd@stevenslee.com; lpg@stevenslee.com; mes@stevenslee.com; sshimshak@paulweiss.com; arosenberg@paulweiss.com; mphilips@paulweiss.com; ppantaleo@stblaw.com; wrussell@stblaw.com; mpiropato@stblaw.com; ealcabes@stblaw.com; wshelley@cozen.com; jjohn@cozen.com; gmcDaniel@bglawde.com; carl.pernicone@wilsonelser.com; Catherine.chen@wilsonelser.com; arich@alanrichlaw.com; david.turetsky@skadden.com; Greg.Stclair@skadden.com; pbentley@kramerlevin.com; dmanna@kramerlevin.com; gcalhoun@steptoe.com; acraig@cuyler.com; mdavis@zeklaw.com; dfelder@orrick.com; rfrankel@orrick.com; mwallace@orrick.com; rwyron@orrick.com; jguy@orrick.com; richard.finke@grace.com; mark.shelnitz@grace.com; john.mcfarland@grace.com; james.freeman2@usdoj.gov; jal@capdale.com; pvn@capdale.com; ndf@capdale.com; ei@capdale.com; jal@capdale.com; lepley@crowell.com; Nancy.Manzer@wilmer.com; Madigan.andrea@epa.gov; jpruggeri@hhlaw.com; drosenbloom@mwe.com; mhurford@camlev.com; meskin@camlev.com; Elias, Brad; Svirsky, Gary; dbernack@kirkland.com; lesayian@kirkland.com; cgreco@kirkland.com; cbruens@kirkland.com; tfreedman@kirkland.com; joneill@pszjlaw.com; tcairns@pszjlaw.com; kmakowski@pszjlaw.com; pcuniff@pszjlaw.com; loberholzer@pszjlaw.com; tmacauley@zuckerman.com; vguldi@zuckerman.com; jsottile@zuckerman.com; kmayer@mccarter.com; dsilver@mccarter.com; rguttmann@zeklaw.com; mdavis@zeklaw.com; jspadaro@johnsheehanspadaro.com; alexander.mueller@mendes.com; thomas.quinn@mendes.com; eileen.mccabe@mendes.com; anna.newsom@mendes.com; carolina.acevedo@mendes.com; mweis@dilworthlaw.com; a Kelley@dilworthlaw.com; sfreedman@dilworthlaw.com; young@wildman.com; dspeights@speightsrunyan.com; ewestbrook@rpwb.com; rdehney@mnat.com; acordo@mnat.com; tgerber@fulbright.com; tcurrier@saul.com; gmcDaniel@bglawde.com; jcp@pgslaw.com; jbaer@jsbpc.com; drosendorf@kttlaw.com; jk@kttlaw.com; hriedel@srpb.com; ghorowitz@kramerlevin.com; dlabey@kramerlevin.com; mshiner@tuckerlaw.com; mplevin@crowell.com; bharding@kirkland.com; arunning@kirkland.com; bstansbury@kirkland.com; jpww@capdale.com; bsb@capdale.com; wbs@capdale.com; travis.langenkamp@kirkland.com; heather.bloom@kirkland.com; karen.f.lee@kirkland.com; david.boutrous@kirkland.com; Deborah Scarcella; tmessana@mws-law.com; FRosner@mrs-law.com; rmillner@sonnenschein.com;



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**Cc:** Dan X-fer; John F. Lacey  
**Subject:** Grace/Libby Claimant Depositions

Dear Counsel:

In response to Tanc's email below, we invite anyone interested in deposing a Libby Claimant to please contact John Lacey ([jlacey@mcgarveyllaw.com](mailto:jlacey@mcgarveyllaw.com); 406-752-5566) about scheduling. Consistent with past courtesies in this case, applied particularly here to the potential Libby Claimant witnesses who have asbestosis disease, it is expected that the depositions will occur in Libby, Montana.

Christopher M. Candon  
COHN WHITESELL & GOLDBERG LLP  
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**From:** Schiavoni, Tancred [<mailto:TSchiavoni@OMM.com>]

**Sent:** Friday, June 19, 2009 1:46 PM

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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Dan,

You have purported to list over 100 individuals on your witness list 1000 if the list is read in full Are you producing them all before July 13 When will you be providing dates?

**From:** Daniel C. Cohn [mailto:cohn@cwg11.com]

**Sent:** Friday, June 19, 2009 10:42 AM

**To:** Kimberly Love; lkruiger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com;  
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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Ms. Leibenstein: With our trial brief due 7/13, I don't see how we can postpone this deposition. In order to avoid the need for you to prepare the deponent twice on any given topic, it would be reasonable to agree that the deposition on 6/29 will not address feasibility and that the later deposition will be confined to feasibility. Dan

Daniel C. Cohn

COHN WHITESELL & GOLDBERG LLP  
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**From:** Kimberly Love [mailto:klove@kirkland.com]

**Sent:** Friday, June 19, 2009 12:15 PM

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**Cc:** Elli Leibenstein

**Subject:** WR Grace: Hudson LaForce Deposition

Dear Counsel:

The deposition of Hudson La Force, Grace's CFO, is currently scheduled for June 29, which is before the documents regarding feasibility will be produced. Mr. La Force will be a witness regarding feasibility. To avoid Mr. La Force being deposed twice and to allow counsel the opportunity to review the documents regarding feasibility before Mr. La Force's deposition, we propose postponing the deposition until after the feasibility documents are produced on July 13, 2009.

Please respond to Elli Leibenstein at 312-862-2422 (elli.leibenstein@kirkland.com)

Kimberly Love, Legal Assistant | Kirkland & Ellis LLP  
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**From:** John F. Lacey [mailto:jlacey@mccarveyllaw.com]  
**Sent:** Wednesday, June 24, 2009 11:54 AM  
**To:** Schiavoni, Tancred  
**Cc:** Dan Cohn; Chris Candon; Jon L. Heberling  
**Subject:** Re: Grace/Libby Claimant Depositions

Tanc,

My June 19 e-mail asked that you specify "who among 'each of the individuals on [Libby Claimants'] witness list' you wish to depose." Your June 20 response just asks for deposition dates on some unspecified number for some unidentified individuals. I cannot attempt to schedule a deposition for a specific person (or group of persons) when I am unclear about precisely which individual witness (or group of individual witnesses) you intend to depose. Please provide me with specific NAMES of the individuals you wish to depose.

My June 19 e-mail also requested that you state "how long do you estimate you will need to take each of the depositions you intend" and whether for any Libby Claimant witnesses, "you intend to travel to Libby to take those depositions." Your June 20 e-mail was unresponsive to these necessary elements of any preparations I must consider regarding the scheduling of depositions.

I remain more than willing to work with you on scheduling the depositions you intend, once the above preliminary and necessary information has been provided.

JFL

----- Original Message -----

**From:** Schiavoni, Tancred  
**To:** John F. Lacey  
**Cc:** Dan Cohn ; Chris Candon , Jon L. Heberling  
**Sent:** Saturday, June 20, 2009 5:45 PM  
**Subject:** RE: Grace/Libby Claimant Depositions

John

We asked for deposition dates for all the witnesses you propose to call to the stand at the confirmation hearing. If you have already produced a witness for deposition, we did not intend to include them.

T V S

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**From:** John F. Lacey [mailto:jlacey@mccarveyllaw.com]  
**Sent:** Friday, June 19, 2009 2:32 PM  
**To:** Schiavoni, Tancred  
**Cc:** Dan Cohn; Chris Candon; Jon L. Heberling  
**Subject:** Re: Grace/Libby Claimant Depositions

Tanc,

First, can you please be more specific about who among "each of the individuals on [Libby Claimants'] witness list" you wish to depose? As you know, there are a few categories of witnesses that have been named, and it is not clear from your request to whom you are referring; e g , I trust you do not mean to depose those witnesses on our list that have already been deposed.

Second, how long do you estimate you will need to take each of the depositions you intend (referencing, of course, your response to my question no 1)?

Finally, for any deposition of a Libby Claimant, do you intend to travel to Libby to take those depositions?

These strike me as preliminary issues that must be addressed before your request can legitimately be pursued

JFL

----- Original Message -----

**From:** Schiavoni, Tancred

**To:** Christopher M. Candon , Daniel C. Cohn , Kimberly Love , lkruger@stroock.com , kpasquale@stroock.com ; akrieger@stroock.com ; mlastowski@duanemorris.com ; rriley@duanemorris.com ; sbaena@bilzin.com ; jsakalo@bilzin.com ; mkramer@bilzin.com ; mjoseph@ferryjoseph.com ; ttacconelli@ferryjoseph.com ; david.klauder@usdoj.gov ; ustpregion03.wl.ecf@usdoj.gov ; noah.heller@kattenlaw.com ; merritt.pardini@kattenlaw.com ; jeff.friedman@kattenlaw.com ; collins@rlf.com ; madron@rlf.com ; Reynolds@rlf.com ; ramos@rlf.com ; fournierd@pepperlaw.com ; carignan@pepperlaw.com ; hertzbergr@pepperlaw.com ; caseyl@pepperlaw.com ; fmonaco@wcsr.com ; kmangan@wcsr.com ; maward@wcsr.com ; metkin@lowenstein.com ; ilevee@lowenstein.com ; Dpastor@Gilmanpastor.com ; jmeltzer@sbtclaw.com ; kbornstein@sbtclaw.com ; stearn@rlf.com ; kandestin@rlf.com ; rjsidman@vorys.com ; tscobb@vorys.com ; meltzere@pepperlaw.com ; toolee@pepperlaw.com ; landis@lrclaw.com ; butcher@lrclaw.com ; mumford@lrclaw.com ; green@lrclaw.com ; kmiller@skfdelaware.com ; ewolfe@skfdelaware.com ; speirce@fulbright.com ; tgerber@fulbright.com ; jwisler@cbl.h.com ; mphilips@cblh.com ; elongosz@eckertseamans.com ; lstover@eckertseamans.com ; erosenthal@rmqqlaw.com ; dglosband@goodwinprocter.com ; bmukherjee@goodwinprocter.com ; mgiannotto@goodwinprocter.com ; emdecristofaro@FMEW.com ; swspencer@FMEW.com ; riff@wileyrein.com ; casarinom@whiteandwilliams.com ; gibbonsj@whiteandwilliams.com ; locasaleg@whiteandwilliams.com ; yoderj@whiteandwilliams.com ; warren.pratt@dbr.com ; david.primack@dbr.com ; michael.brown@dbr.com ; jeffrey.boerger@dbr.com ; jdd@stevenslee.com ; lpq@stevenslee.com ; mes@stevenslee.com ; sshimshak@paulweiss.com ; arosenberg@paulweiss.com ; mphilips@paulweiss.com ; ppantaleo@stblaw.com ; wrussell@stblaw.com ; mpiropato@stblaw.com ; ealcabes@stblaw.com ; wshelley@cozen.com ; jcohn@cozen.com ; gmcDaniel@bglawde.com ; carl.pernicone@wilsonelser.com ; Catherine.chen@wilsonelser.com ; arich@alanrichlaw.com ; david.turetsky@skadden.com ; Greg.Stclair@skadden.com ; pbentley@kramerlevin.com ; dmannaal@kramerlevin.com ; gcalhoun@steptoe.com ; acraig@cuyler.com ; mdavis@zeklaw.com ; dfelder@orrick.com ; rfrank.el@orrick.com ; mwallace@orrick.com ; rwyron@orrick.com ; jguy@orrick.com ; richard.finke@grace.com ; mark.shelnitz@grace.com ; john.mcfarland@grace.com ; james.freeman2@usdoj.gov ; jal@capdale.com ; pvnI@capdale.com ; ndf@capdale.com ; el@capdale.com ; jal@capdale.com ; lepley@crowell.com ; Nancy.Manzer@wilmer.com ; Madigan.andrea@epa.gov ; jpruggeri@hhlaw.com ; drosenbloom@mwe.com ; mhurford@camlev.com ; meskin@camlev.com ; Elias, Brad ; Svirsky, Gary ; dbernick@kirkland.com ; lesayan@kirkland.com ; cgrec@kirkland.com ; cbruens@kirkland.com ; tfreedman@kirkland.com ; joneill@pszjlaw.com ; tcairns@pszjlaw.com ; kmakowski@pszjlaw.com ; pcuniff@pszjlaw.com ; loberholzer@pszjlaw.com ; tmacauley@zuckerman.com ; vguldi@zuckerman.com ; jsottile@zuckerman.com ; kmayer@mccarter.com ; dsilver@mccarter.com ; rguttmann@zeklaw.com ; mdavis@zeklaw.com ; jspadaro@johnsheehanspadaro.com ; alexander.mueller@mendes.com ; thomas.quinn@mendes.com ; eileen.mccabe@mendes.com ; anna.newsom@mendes.com ; carolina.acevedo@mendes.com ; mweis@dilworthlaw.com ; akelley@dilworthlaw.com ; sfreedman@dilworthlaw.com ;



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Cc: Dan X-fer ; John F. Lacey ; [jlacey@mcgarveylaw.com](mailto:jlacey@mcgarveylaw.com)  
Sent: Friday, June 19, 2009 2:57 PM  
Subject: RE: Grace/Libby Claimant Depositions

John

Please propose dates for the depositions of each of the individuals on your witness list

T V S

**From:** Christopher M. Candon [<mailto:candon@cwg11.com>]

**Sent:** Friday, June 19, 2009 12:23 PM

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**Cc:** Dan X-fer; John F. Lacey

**Subject:** Grace/Libby Claimant Depositions

Dear Counsel:

In response to Tanc's email below, we invite anyone interested in deposing a Libby Claimant to please contact John Lacey ([jlacey@mcgarveyllaw.com](mailto:jlacey@mcgarveyllaw.com); 406-752-5566) about scheduling. Consistent with past courtesies in this case, applied particularly here to the potential Libby Claimant witnesses who have asbestos disease, it is expected that the depositions will occur in Libby, Montana.

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**From:** Schiavoni, Tancred [<mailto:TSchiavoni@OMM.com>]

**Sent:** Friday, June 19, 2009 1:46 PM

**To:** Daniel C. Cohn; Kimberly Love; [lkruger@stroock.com](mailto:lkruger@stroock.com); [kpasquale@stroock.com](mailto:kpasquale@stroock.com); [akrieger@stroock.com](mailto:akrieger@stroock.com); [mastowski@duanemorris.com](mailto:mastowski@duanemorris.com); [rriley@duanemorris.com](mailto:rriley@duanemorris.com); [sbaena@bilzin.com](mailto:sbaena@bilzin.com); [jsakalo@bilzin.com](mailto:jsakalo@bilzin.com); [mkrumer@bilzin.com](mailto:mkrumer@bilzin.com); [mjoseph@ferryjoseph.com](mailto:mjoseph@ferryjoseph.com); [ttacconelli@ferryjoseph.com](mailto:ttacconelli@ferryjoseph.com); [david.klauder@usdoj.gov](mailto:david.klauder@usdoj.gov); [ustpregion03.wl.ecf@usdoj.gov](mailto:ustpregion03.wl.ecf@usdoj.gov); [noah.heller@kattenlaw.com](mailto:noah.heller@kattenlaw.com); [merritt.pardini@kattenlaw.com](mailto:merritt.pardini@kattenlaw.com); [jeff.friedman@kattenlaw.com](mailto:jeff.friedman@kattenlaw.com); [collins@rlf.com](mailto:collins@rlf.com); [madron@rlf.com](mailto:madron@rlf.com); [Reynolds@rlf.com](mailto:Reynolds@rlf.com); [ramos@rlf.com](mailto:ramos@rlf.com); [fournierd@pepperlaw.com](mailto:fournierd@pepperlaw.com); [carignan@pepperlaw.com](mailto:carignan@pepperlaw.com); [hertzberger@pepperlaw.com](mailto:hertzberger@pepperlaw.com); [caseyl@pepperlaw.com](mailto:caseyl@pepperlaw.com); [fmonaco@wcsr.com](mailto:fmonaco@wcsr.com); [kmangan@wcsr.com](mailto:kmangan@wcsr.com);

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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Dan,

You have purported to list over 100 individuals on your witness list 1000 if the list is read in full Are you producing them all before July 13 When will you be providing dates?

**From:** Daniel C. Cohn [mailto:[cohn@cwg11.com](mailto:cohn@cwg11.com)]

**Sent:** Friday, June 19, 2009 10:42 AM

**To:** Kimberly Love; [lkruger@stroock.com](mailto:lkruger@stroock.com); [kpasquale@stroock.com](mailto:kpasquale@stroock.com); [akrieger@stroock.com](mailto:akrieger@stroock.com);

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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Ms. Leibenstein. With our trial brief due 7/13, I don't see how we can postpone this deposition. In order to avoid the need for you to prepare the deponent twice on any given topic, it would be reasonable to agree that the deposition on 6/29 will not address feasibility and that the later deposition will be confined to feasibility. Dan

Daniel C. Cohn

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**From:** Kimberly Love [mailto:klove@kirkland.com]

**Sent:** Friday, June 19, 2009 12:15 PM

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**Cc:** Elli Leibenstein

**Subject:** WR Grace: Hudson LaForce Deposition

Dear Counsel:

The deposition of Hudson La Force, Grace's CFO, is currently scheduled for June 29, which is before the documents regarding feasibility will be produced. Mr. La Force will be a witness regarding feasibility. To avoid Mr. La Force being deposed twice and to allow counsel the opportunity to review the documents regarding feasibility before Mr. La Force's deposition, we propose postponing the deposition until after the feasibility documents are produced on July 13, 2009.

Please respond to Elli Leibenstein at 312-862-2422 (elli.leibenstein@kirkland.com)

Kimberly Love, Legal Assistant, Kirkland & Ellis LLP  
300 North LaSalle, Chicago, IL 60654  
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**From:** John F. Lacey [mailto:jlacey@mcgarveylaw.com]

**Sent:** Friday, June 19, 2009 5:32 PM

**To:** Schiavoni, Tancred

**Cc:** Dan Cohn; Chris Candon; Jon L. Heberling

**Subject:** Re: Grace/Libby Claimant Depositions

Tanc,

First, can you please be more specific about who among "each of the individuals on [Libby Claimants'] witness list" you wish to depose? As you know, there are a few categories of witnesses that have been named, and it is not clear from your request to whom you are referring; e g , I trust you do not mean to depose those witnesses on our list that have already been deposed

Second, how long do you estimate you will need to take each of the depositions you intend (referencing, of course, your response to my question no 1)?

Finally, for any deposition of a Libby Claimant, do you intend to travel to Libby to take those depositions?

These strike me as preliminary issues that must be addressed before your request can legitimately be pursued

JFL

----- Original Message -----

**From:** Schiavoni, Tancred

**To:** Christopher M. Candon , Daniel C. Cohn , Kimberly Love , lkruger@stroock.com , kpasquale@stroock.com ; akrieger@stroock.com , mlastowski@duanemorris.com ; rriley@duanemorris.com , sbaena@bilzin.com ; jsakalo@bilzin.com ; mkramer@bilzin.com ; mjoseph@ferryjoseph.com , ttacconelli@ferryjoseph.com ; david.klauder@usdoj.gov ; ustpreion03.wl.ecf@usdoj.gov , noah.heller@kattenlaw.com ; merritt.pardini@kattenlaw.com , jeff.friedman@kattenlaw.com ; collins@rlf.com ; madron@rlf.com ; Reynolds@rlf.com ; ramos@rlf.com ; fournierd@pepperlaw.com ; carignan@pepperlaw.com , hertzbergr@pepperlaw.com ; caseyl@pepperlaw.com ; fmonaco@wcsr.com ; kmangan@wcsr.com ; maward@wcsr.com , metkin@lowenstein.com , ilevee@lowenstein.com ; Dpastor@Gilmanpastor.com ; jmeltzer@sbtclaw.com ; kbornstein@sbtclaw.com ; stearn@rlf.com ; kandestin@rlf.com ; rjsidman@vorys.com ; tscobb@vorys.com ; meltzere@pepperlaw.com ; toolee@pepperlaw.com , landis@lrclaw.com , butcher@lrclaw.com ; mumford@lrclaw.com ; green@lrclaw.com ; kmiller@skfdelaware.com , ewolfe@skfdelaware.com ; speirce@fulbright.com ; tgerber@fulbright.com , jwisler@cbl.h.com , mphilipps@cblh.com ; elongosz@eckertseamans.com ; lstover@eckertseamans.com ; erosenthal@rmgglaw.com ; dglosband@goodwinprocter.com ; bmukherjee@goodwinprocter.com ; mgiannotto@goodwinprocter.com , emdecristofaro@FMEW.com ; swspencer@FMEW.com ; riff@wileyrein.com ; casarinom@whiteandwilliams.com , gibbonsj@whiteandwilliams.com ; locasaleg@whiteandwilliams.com ; yoderj@whiteandwilliams.com ; warren.pratt@dbf.com , david.primack@dbf.com ; michael.brown@dbf.com ; jeffrey.boerger@dbf.com ; jdd@stevenslee.com , lpg@stevenslee.com ; mes@stevenslee.com ; sshimshak@paulweiss.com ; arosenberg@paulweiss.com , mphilipps@paulweiss.com ; ppantaleo@stblaw.com ; wrussell@stblaw.com ; mpiropato@stblaw.com , ealcabes@stblaw.com ; wshelley@cozen.com ; jcohn@cozen.com ; gmcDaniel@bglawde.com ; carl.pernicone@wilsonelser.com ; Catherine.chen@wilsonelser.com ; arich@alanrichlaw.com ; david.turetsky@skadden.com ; Greg.Stclair@skadden.com ; pbentley@kramerlevin.com ; dmannaal@kramerlevin.com ; gcalhoun@steptoe.com ; acraig@cuyler.com ; mdavis@zeklaw.com , dfelder@orrick.com ; rfrank.el@orrick.com ; mwallace@orrick.com ; rwyron@orrick.com ; jquy@orrick.com ; richard.finke@grace.com ; mark.shelnitz@grace.com ; john.mcfarland@grace.com ;



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Sent: Friday, June 19, 2009 2:57 PM  
Subject: RE: Grace/Libby Claimant Depositions

John

Please propose dates for the depositions of each of the individuals on your witness list

T V S

**From:** Christopher M. Candon [[mailto:candon@cwg11.com](mailto:mailto:candon@cwg11.com)]  
**Sent:** Friday, June 19, 2009 12:23 PM  
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**Cc:** Dan X-fer; John F. Lacey

**Subject:** Grace/Libby Claimant Depositions

Dear Counsel:

In response to Tane's email below, we invite anyone interested in deposing a Libby Claimant to please contact John Lacey ([jlacey@mcgarveylaw.com](mailto:jlacey@mcgarveylaw.com); 406-752-5566) about scheduling. Consistent with past courtesies in this case, applied particularly here to the potential Libby Claimant witnesses who have asbestos disease, it is expected that the depositions will occur in Libby, Montana.

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**From:** Schiavoni, Tancred [mailto:TSchiavoni@OMM.com]

**Sent:** Friday, June 19, 2009 1:46 PM

**To:** Daniel C. Cohn; Kimberly Love; lkruger@stroock.com; kpasquale@stroock.com; akrieger@stroock.com; mlastowski@duanemorris.com; rriley@duanemorris.com; sbaena@bilzin.com; jsakalo@bilzin.com; mkramer@bilzin.com; mjoseph@ferryjoseph.com; ttacconelli@ferryjoseph.com; david.klauder@usdoj.gov; ustpregion03.wl.ecf@usdoj.gov; noah.heller@kattenlaw.com; merritt.pardini@kattenlaw.com; jeff.friedman@kattenlaw.com; collins@rlf.com; madron@rlf.com; Reynolds@rlf.com; ramos@rlf.com; fournierd@pepperlaw.com; carignan@pepperlaw.com; hertzbergr@pepperlaw.com; caseyl@pepperlaw.com; fmonaco@wcsr.com; kmangan@wcsr.com; maward@wcsr.com; metkin@lowenstein.com; ilevee@lowenstein.com; Dpastor@Gilmanpastor.com; jmeltzer@sbtclaw.com; kbornstein@sbtclaw.com; stearn@rlf.com; kandestin@rlf.com; rjsidman@vorys.com; tscobb@vorys.com; meltzere@pepperlaw.com; toolee@pepperlaw.com; landis@lrclaw.com; butcher@lrclaw.com; mumford@lrclaw.com; green@lrclaw.com; Christopher M. Candon; kmiller@skfdelaware.com; ewolfe@skfdelaware.com; speirce@fulbright.com; tgerber@fulbright.com; jwisler@cblh.com; mphilipps@cblh.com; elongosz@eckertseamans.com; lstoover@eckertseamans.com; erosenthal@rmgglaw.com; dglosband@goodwinprocter.com; bmukherjee@goodwinprocter.com; mgiannotto@goodwinprocter.com; emdecristofaro@FMEW.com; swspencer@FMEW.com; riff@wileyrein.com; casarinom@whiteandwilliams.com; gibbonsj@whiteandwilliams.com; locasaleg@whiteandwilliams.com; yoderj@whiteandwilliams.com; warren.pratt@db.com; david.primack@db.com; michael.brown@db.com; jeffrey.boerger@db.com; jdd@stevenslee.com; lpg@stevenslee.com; mes@stevenslee.com; sshimshak@paulweiss.com; arosenberg@paulweiss.com; mphilipps@paulweiss.com; ppantaleo@stblaw.com; wrussell@stblaw.com; mpiropato@stblaw.com; ealcabes@stblaw.com; wshelley@cozen.com; jcohen@cozen.com; gmcDaniel@bglawde.com; carl.pernicone@wilsonelser.com; Catherine.chen@wilsonelser.com; arich@alanrichlaw.com; david.turetsky@skadden.com; Greg.Stclair@skadden.com; pbentley@kramerlevin.com; dmannaal@kramerlevin.com; gcalhoun@steptoe.com; acraig@cuyler.com; mdavis@zeklaw.com; dfelder@orrick.com; rfrank\_el@orrick.com; mwallace@orrick.com; rwyron@orrick.com; jguy@orrick.com; richard.finke@grace.com; mark.shelnitz@grace.com; john.mcfarland@grace.com; james.freeman2@usdoj.gov; jal@capdale.com; pvn@capdale.com; ndf@capdale.com; ei@capdale.com; jal@capdale.com; lepley@crowell.com; Nancy.Manzer@wilmer.com; Madigan.andrea@epa.gov; jpruggeri@hhlaw.com; drosenbloom@mwe.com; mhurford@camlev.com; meskin@camlev.com; Elias, Brad; Svirsky, Gary; dbernack@kirkland.com; lesayian@kirkland.com; cgreco@kirkland.com; cbruens@kirkland.com; tfreedman@kirkland.com; joneill@pszjlaw.com; tcainrs@pszjlaw.com; kmakowski@pszjlaw.com; pcuniff@pszjlaw.com; loberholzer@pszjlaw.com; tmacauley@zuckerman.com; vguldi@zuckerman.com; jsottile@zuckerman.com; kmayer@mccarter.com; dsilver@mccarter.com; rguttmann@zeklaw.com; mdavis@zeklaw.com; jspadaro@johnsheehanspadaro.com; alexander.mueller@mendes.com; thomas.quinn@mendes.com; eileen.mccabe@mendes.com; anna.newsom@mendes.com; carolina.acevedo@mendes.com; mweis@dilworthlaw.com; akelley@dilworthlaw.com; sfreedman@dilworthlaw.com; young@wildman.com; dspeights@speightsrunyan.com; ewestbrook@rpwb.com; rdehney@mnat.com; acordo@mnat.com; tgerber@fulbright.com; tcurrier@saul.com; gmcDaniel@bglawde.com; jcp@pgslaw.com; jbaer@jsbpc.com; drosendorf@kttl.com; jk@kttl.com; hriedel@srbp.com; ghorowitz@kramerlevin.com; dlabey@kramerlevin.com; mshiner@tuckerlaw.com; mplevin@crowell.com; bharding@kirkland.com; arunning@kirkland.com; bstansbury@kirkland.com; jpww@capdale.com; bsb@capdale.com; wbs@capdale.com; travis.langenkamp@kirkland.com; heather.bloom@kirkland.com; karen.f.lee@kirkland.com; david.boutrous@kirkland.com; Deborah Scarella; tmessana@mws-law.com; FRosner@mrs-law.com; rmiller@sonnenschein.com; cprince@sonnenschein.com; jpww@capdale.com; bsb@capdale.com; wbs@capdale.com; Irosenberg@cozen.com; bklayman@cozen.com; AKushner@stblaw.com; scalogero@cuyler.com; Schwartz, Allen; rcmartin@eapdlaw.com; sbrown@eapdlaw.com; eleibenstein@kirkland.com

**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Dan,

You have purported to list over 100 individuals on your witness list 1000 if the list is read in full Are you producing them all before July 13 When will you be providing dates?

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**From:** Daniel C. Cohn [mailto:cohn@cwg11.com]

**Sent:** Friday, June 19, 2009 10:42 AM

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**Cc:** Dan X-fer

**Subject:** RE: WR Grace: Hudson LaForce Deposition

Ms Leibenstein. With our trial brief due 7/13, I don't see how we can postpone this deposition. In order to avoid the need for you to prepare the deponent twice on any given topic, it would be reasonable to agree that the deposition on 6/29 will not address feasibility and that the later deposition will be confined to feasibility. Dan

Daniel C. Cohn

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**Cc:** Elli Leibenstein

**Subject:** WR Grace: Hudson LaForce Deposition

Dear Counsel:

The deposition of Hudson La Force, Grace's CFO, is currently scheduled for June 29, which is before the documents regarding feasibility will be produced. Mr. La Force will be a witness regarding feasibility. To avoid Mr. La Force being deposed twice and to allow counsel the opportunity to review the documents regarding feasibility before Mr. La Force's deposition, we propose postponing the deposition until after the feasibility documents are produced on July 13, 2009.

Please respond to Elli Leibenstein at 312-862-2422 (elli.leibenstein@kirkland.com)

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